

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 712

Short Title: PREP Act/Pharmacists. (Public)

Sponsors: Representatives Sasser, Cunningham, and Lambeth (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Health, if favorable, Rules, Calendar, and Operations of the House

April 19, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW IMMUNIZING PHARMACISTS TO ADMINISTER CERTAIN
3 AUTHORIZED VACCINATIONS AND IMMUNIZATIONS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1.(a) G.S. 90-85.3 reads as rewritten:

6 "§ 90-85.3. Definitions.

7 ...

8 (b2) "CLIA-waived test" means a laboratory test approved by the United States Food and
9 Drug Administration and determined by the Centers for Medicare and Medicaid Services to
10 qualify for a waiver under the federal Clinical Laboratory Improvement Amendments of 1988
11 and safe for use in non-laboratory settings.

12 (b3) "Clinical pharmacist practitioner" means a licensed pharmacist who meets the
13 guidelines and criteria for such title established by the joint subcommittee of the North Carolina
14 Medical Board and the North Carolina Board of Pharmacy and is authorized to enter into drug
15 therapy management agreements with physicians in accordance with the provisions of
16 G.S. 90-18.4.

17"

18 SECTION 1.(b) G.S. 90-85.15B reads as rewritten:

19 "§ 90-85.15B. Immunizing pharmacists.

20 (a) Except as provided in subsections (b), (b1), and (c) of this section, an immunizing
21 pharmacist may only administer vaccinations or immunizations ~~only if the vaccinations or~~
22 ~~immunizations are recommended or required by the Centers for Disease Control and Prevention~~
23 ~~and administered to persons at least 18 years of age pursuant to a specific prescription order.~~

24 (b) An immunizing pharmacist may administer the vaccinations or immunizations ~~listed~~
25 ~~in subdivisions (1) through (7) of this subsection recommended by the Advisory Committee on~~
26 Immunization Practices to persons at least 18 years of age if the vaccinations or immunizations
27 are administered under written protocols as defined in 21 NCAC 46 .2507(b)(12) and 21 NCAC
28 32U .0101(b)(12) and in accordance with the supervising physician's responsibilities as defined
29 in 21 NCAC 46 .2507(e) and 21 NCAC 32U .0101(e), and the physician is licensed in and has a
30 practice physically located in ~~North Carolina~~North Carolina. When supervised by an
31 immunizing pharmacist, pharmacy technicians and pharmacy interns meeting the requirements
32 of subsection (f) of this section may administer the vaccinations or immunizations authorized
33 under this subsection.

34 (1) ~~Pneumococcal polysaccharide or pneumococcal conjugate vaccines.~~

35 (2) ~~Herpes zoster vaccine.~~



- ~~(3) Hepatitis B vaccine.~~
- ~~(4) Meningococcal polysaccharide or meningococcal conjugate vaccines and Serogroup B meningococcal vaccines.~~
- ~~(5) Tetanus diphtheria, tetanus and diphtheria toxoids and pertussis, tetanus and diphtheria toxoids and acellular pertussis, or tetanus toxoid vaccines. However, a pharmacist shall not administer any of these vaccines if the patient discloses that the patient has an open wound, puncture, or tissue tear.~~
- ~~(6) Human Papillomavirus vaccine.~~
- ~~(7) Hepatitis A vaccine.~~

~~(b1) An immunizing pharmacist may administer (i) an influenza vaccine, (ii) a COVID-19 vaccine approved recommended by the United States Food and Drug Administration or, Advisory Committee on Immunization Practices, (iii) a COVID-19 vaccine authorized under an emergency use authorization by the United States Food and Drug Administration and recommended by the Advisory Committee on Immunization Practices, or (iv) a combination of a COVID-19 and influenza vaccine recommended by the Advisory Committee on Immunization Practices to persons at least 40 seven years of age pursuant to 21 NCAC 46 .2507 and 21 NCAC 32U .0101. An immunizing pharmacist may administer (i) an influenza vaccine, (ii) a COVID-19 vaccine approved by the United States Food and Drug Administration, or (iii) a COVID-19 vaccine authorized under an emergency use authorization by the United States Food and Drug Administration to persons at least six years of age pursuant to a specific prescription order initiated by a prescriber following a physical examination of the patient by the prescriber. When supervised by an immunizing pharmacist, pharmacy interns and pharmacy technicians who have completed immunization related continuing pharmacy education approved by the Accreditation Council for Pharmacy Education may administer (i) an influenza vaccine, (ii) a COVID-19 vaccine approved by the United States Food and Drug Administration, or (iii) a COVID-19 vaccine authorized under an emergency use authorization by the United States Food and Drug Administration to persons at least 10 years of age pursuant to 21 NCAC 46 .2507 and 21 NCAC 32U .0101. When supervised by an immunizing pharmacist, pharmacy technicians and pharmacy interns meeting the requirements of subsection (f) of this section may administer the vaccinations or immunizations authorized under this subsection.~~

...

(f) Prior to administering a vaccine or immunization to a patient as authorized under this section, a pharmacy technician or a pharmacy intern shall satisfy all of the following:

- (1) Complete a practical training program that is approved by the Accreditation Council for Pharmacy Education, which must include a hands-on injection technique and the recognition and treatment of emergency reactions to vaccines.
- (2) Has a current certificate in basic cardiopulmonary resuscitation.
- (3) Has annually completed a minimum of two hours of immunization-related continuing pharmacy education approved by the Accreditation Council for Pharmacy Education.

(g) Prior to the administration of a vaccine or immunization administered to a patient under 18 years of age under this section, an immunizing pharmacist shall obtain parental consent from the parent or legal guardian of the patient. An immunizing pharmacist, a pharmacy technician, or a pharmacy intern shall, if the patient is under 18 years of age, inform the patient and legal guardian accompanying the patient of the importance of a well-child visit with a pediatrician or other licensed primary care provider."

SECTION 2. The North Carolina Medical Board and the North Carolina Board of Pharmacy joint subcommittee shall adopt rules to govern the administration of vaccines by pharmacy technicians as authorized in this act. Until these rules are adopted by the North Carolina Medical Board and the North Carolina Board of Pharmacy and are entered into the North

1 Carolina Administrative Code, pharmacy technicians may administer vaccines and
2 immunizations pursuant to subsections (b) and (b1) of G.S. 90-85.15B in accordance with the
3 requirements of the federal COVID-19 Public Readiness and Emergency Preparedness Act even
4 upon the expiration of the federal COVID-19 Public Readiness and Emergency Preparedness
5 Act.

6 **SECTION 3.** For any new vaccination or immunization recommended by the
7 Advisory Committee on Immunization Practices after the effective date of this act, the North
8 Carolina Medical Board and the North Carolina Board of Pharmacy joint subcommittee shall
9 review and update written protocols as defined in 21 NCAC 46 .2507(b)(12) and 21 NCAC 32U
10 .0101(b)(12) as needed. Until these rules are adopted by the North Carolina Medical Board and
11 the North Carolina Board of Pharmacy and are entered into the North Carolina Administrative
12 Code, immunizing pharmacists, pharmacy technicians, and pharmacy interns may administer a
13 new vaccination or immunization pursuant to subsections (b) and (b1) of G.S. 90-85.15B and in
14 accordance with the recommendations of the Advisory Committee on Immunization Practices.

15 **SECTION 4.** This act is effective when it becomes law.